



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jack VANDERHOEK
Serial No.: 10/721,231
Filed: November 26, 2003
For: METHOD OF USING CONJUGATED LINOLEIC ACID ESTERS
Art Unit: 1618
Examiner: Vickie Y. Kim

ELECTION WITH TRAVERSE
IN RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

July 13, 2006

Sir:

This is in response to the requirement for restriction under 35 U.S.C. §§121 and 372 mailed from the U.S. Patent and Trademark Office on May 19, 2006.

Restriction to one of the following inventions is required under 35 U.S.C. §§121 and 372:

- I. Claims 1-16: A method of stimulating prostacyclin formation in cells utilizing at least one conjugated linoleic acid.
- II. Claims 17-22: A food composition comprising a food and an additive added to the food (additives comprise at least one ester containing at least one conjugated linoleic acid).
- III. Claims 23-28: A pharmaceutical composition in tablet or capsule form comprising at least one ester containing at least one conjugated linoleic acid and a carrier.
- IV. Claims 29-34: A method of stimulating thromboxane formation in cells.
- V. Claims 35-43: A food composition comprising a food and an additive to the food (additives comprise an ester of 9Z, 11Z octadecadienoic acid).

- VI. Claims 36-44: A pharmaceutical composition in tablet or capsule form comprising an effective amount of 9Z 11Z octadecadienoic acid and a carrier.
- VII. Claims 37-42: A method of stimulating a release of arachidonic acid.

In addition, Election to one of the following Species is required under 35 U.S.C. §§121 and 372:

- A. A single disclosed species for all inventions: 10, 12-octadecadienoic acid vs. 9Z, 11Z octadecadienoic acid.
- B. A single disclosed species for the inventions drawn to the method: a conjugated linoleic acid vs. an ester containing a conjugated linoleic acid vs. a lipid.

Applicant respectfully elects Group III (Claims 23-28), drawn to a pharmaceutical composition in tablet or capsule form comprising at least one ester containing at least one conjugated linoleic acid and a carrier.

In addition, Applicant respectfully elects the species of Group B drawn to the method of: a conjugated linoleic acid vs. an ester containing a conjugated linoleic acid vs. a lipid.

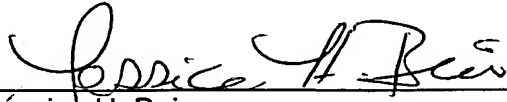
Applicant respectfully points out that the species of Group B encompasses the species of Group A. Hence, a search for the species of Group B would encompass the species of Group A. Therefore, there is no additional search requires for Group A if a search for Group B is conducted. That is, a search for Group B includes a search for both the species of Group B as well as the species of Group A.

Accordingly, Applicant respectfully requests that the species of Groups A and B be search together.

If the Examiner has any questions concerning this matter or the application, the undersigned can be contacted at the below-listed telephone number.

Respectfully submitted,

ANTONELLI, TERRY, STOUT & KRAUS, LLP



Jessica H. Bui
Registration No. 40,846

1300 North 17th Street
Suite 1800
Arlington, VA 22209
Telephone: (703) 312-6600
Facsimile: (703) 312-6666
JHB/mlh